

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.13880 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- MALSALAMI District- Patna

SANJAY KUMAR S/o Ram Jatan Rai Presently resident at Mohalla- Kachhi
Dargah, Tilak Nagar, Alampur, P.S.- Nadi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Srivastava
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP
For Informant : Jainendra Kumar Pushkar
Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 26-08-2020 Heard Ms. Soni Srivastava, learned counsel for
the petitioner, Mr. Ram Priya Sharan Singh, learned
Additional Public Prosecutor for the State and Mr.
Jainendra Kumar Pushkar, learned counsel for informant,
through video conferencing.

Petitioner is in jail custody since 21.1.2020 in
Malsalami P.S. Case No. 20 of 2020 registered under
Section 307 and other minor Sections of the Indian Penal
Code as well as 27 of the Arms Act.

The accusation against the petitioner is that he



opened fire but informant luckily escaped unhurt and, thereafter, petitioner and other started assaulting the informant and some others by means of *Lathi* and butt of gun and also committed loot in the house of the informant.

Learned counsel appearing for petitioner would submit that after investigation, police did not submit chargesheet for the offence punishable under Section 27 of the Arms Act and, therefore, the claim of the informant that gun was used in the alleged occurrence flats on ground. She would, further, submit that, as a matter of fact, there was land dispute between the parties and that is why the informant brought this case with exaggerated story. She, further, submits that in course of investigation, the police collected the so-called injury report of the injureds and the concerned doctor mentioned that the injureds sustained grievous injury but it is surprising enough that the concerned doctor gave the above stated finding but no X-ray plate or X-ray report was brought on case diary by the Investigating Officer.

On the other hand, learned counsel appearing for informant, vehemently, opposed the bail prayer submitting that informant as well as three other injureds



have sustained grievous injury and two ribs of the informant were found broken. He, further, submits that the petitioner is raising mala fide claim over the land of the informant and prior to alleged occurrence, the petitioner and his associates several times made attempt to grab the land of the informant for which the informant lodged cases against the petitioner and others.

The above stated submissions made it clear that there is some land dispute between the parties and, furthermore, the case diary goes to show that the opinion regarding the nature of injury was given on the basis of X-ray report and X-ray plate but no X-ray plate and X-ray report are available on the case diary. Moreover, the allegation of firing has also been found untrue by the police

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that the investigation of the case has already been completed whereas petitioner is in jail custody since long, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each



to the satisfaction of learned Additional Chief Judicial
Magistrate IV, Patna City in connection with Malsalami
P.S. Case No. 20/2020.

(Hemant Kumar Srivastava, J)

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